



Rep. Karen May

Filed: 3/22/2007

09500HB0691ham004

LRB095 08369 KBJ 33418 a

1 AMENDMENT TO HOUSE BILL 691

2 AMENDMENT NO. _____. Amend House Bill 691, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 3, on page 3, line 15, by deleting "and"; and

5 on page 3, line 17, by replacing "appointment." with
6 "appointment; and"; and

7 on page 3, immediately below line 17, by inserting the
8 following:

9 "(6) a prescriber or his or her designee from
10 electronically or telephonically prescribing medication
11 for a patient with an existing physician-patient
12 relationship with the prescriber."; and

13 on page 37, immediately below line 15, by inserting the
14 following:

1 "Section 110. The Physician Assistant Practice Act of 1987
2 is amended by changing Section 21 as follows:

3 (225 ILCS 95/21) (from Ch. 111, par. 4621)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 21. Grounds for disciplinary action.

6 (a) The Department may refuse to issue or to renew, or may
7 revoke, suspend, place on probation, censure or reprimand, or
8 take other disciplinary action with regard to any license
9 issued under this Act as the Department may deem proper,
10 including the issuance of fines not to exceed \$5000 for each
11 violation, for any one or combination of the following causes:

12 (1) Material misstatement in furnishing information to
13 the Department.

14 (2) Violations of this Act, or the rules adopted under
15 this Act.

16 (3) Conviction of any crime under the laws of any U.S.
17 jurisdiction that is a felony or that is a misdemeanor, an
18 essential element of which is dishonesty, or of any crime
19 which is directly related to the practice of the
20 profession.

21 (4) Making any misrepresentation for the purpose of
22 obtaining licenses.

23 (5) Professional incompetence.

24 (6) Aiding or assisting another person in violating any
25 provision of this Act or its rules.

1 (7) Failing, within 60 days, to provide information in
2 response to a written request made by the Department.

3 (8) Engaging in dishonorable, unethical, or
4 unprofessional conduct, as defined by rule, of a character
5 likely to deceive, defraud, or harm the public.

6 (9) Habitual or excessive use or addiction to alcohol,
7 narcotics, stimulants, or any other chemical agent or drug
8 that results in a physician assistant's inability to
9 practice with reasonable judgment, skill, or safety.

10 (10) Discipline by another U.S. jurisdiction or
11 foreign nation, if at least one of the grounds for
12 discipline is the same or substantially equivalent to those
13 set forth in this Section.

14 (11) Directly or indirectly giving to or receiving from
15 any person, firm, corporation, partnership, or association
16 any fee, commission, rebate or other form of compensation
17 for any professional services not actually or personally
18 rendered.

19 (12) A finding by the Disciplinary Board that the
20 licensee, after having his or her license placed on
21 probationary status has violated the terms of probation.

22 (13) Abandonment of a patient.

23 (14) Willfully making or filing false records or
24 reports in his or her practice, including but not limited
25 to false records filed with state agencies or departments.

26 (15) Willfully failing to report an instance of

1 suspected child abuse or neglect as required by the Abused
2 and Neglected Child Reporting Act.

3 (16) Physical illness, including but not limited to
4 deterioration through the aging process, or loss of motor
5 skill, mental illness, or disability that results in the
6 inability to practice the profession with reasonable
7 judgment, skill or safety.

8 (17) Being named as a perpetrator in an indicated
9 report by the Department of Children and Family Services
10 under the Abused and Neglected Child Reporting Act, and
11 upon proof by clear and convincing evidence that the
12 licensee has caused a child to be an abused child or
13 neglected child as defined in the Abused and Neglected
14 Child Reporting Act.

15 (18) Conviction in this State or another state of any
16 crime that is a felony under the laws of this State, or
17 conviction of a felony in a federal court.

18 (19) Gross malpractice resulting in permanent injury
19 or death of a patient.

20 (20) Employment of fraud, deception or any unlawful
21 means in applying for or securing a license as a physician
22 assistant.

23 (21) Exceeding the authority delegated to him or her by
24 his or her supervising physician in guidelines established
25 by the physician/physician assistant team.

26 (22) Immoral conduct in the commission of any act, such

1 as sexual abuse, sexual misconduct or sexual exploitation
2 related to the licensee's practice.

3 (23) Violation of the Health Care Worker Self-Referral
4 Act.

5 (24) Practicing under a false or assumed name, except
6 as provided by law.

7 (25) Making a false or misleading statement regarding
8 his or her skill or the efficacy or value of the medicine,
9 treatment, or remedy prescribed by him or her in the course
10 of treatment.

11 (26) Allowing another person to use his or her license
12 to practice.

13 (27) Prescribing, selling, administering,
14 distributing, giving, or self-administering a drug
15 classified as a controlled substance (designated product)
16 or narcotic for other than medically-accepted therapeutic
17 purposes.

18 (28) Promotion of the sale of drugs, devices,
19 appliances, or goods provided for a patient in a manner to
20 exploit the patient for financial gain.

21 (29) A pattern of practice or other behavior that
22 demonstrates incapacity or incompetence to practice under
23 this Act.

24 (30) Violating State or federal laws or regulations
25 relating to controlled substances.

26 (31) Exceeding the limited prescriptive authority

1 delegated by the supervising physician or violating the
2 written guidelines delegating that authority.

3 (32) Practicing without providing to the Department a
4 notice of supervision or delegation of prescriptive
5 authority.

6 (33) Violating any provision of the Internet
7 Prescribing Prohibition Act.

8 (b) The Department may refuse to issue or may suspend the
9 license of any person who fails to file a return, or to pay the
10 tax, penalty or interest shown in a filed return, or to pay any
11 final assessment of the tax, penalty, or interest as required
12 by any tax Act administered by the Illinois Department of
13 Revenue, until such time as the requirements of any such tax
14 Act are satisfied.

15 (c) The determination by a circuit court that a licensee is
16 subject to involuntary admission or judicial admission as
17 provided in the Mental Health and Developmental Disabilities
18 Code operates as an automatic suspension. The suspension will
19 end only upon a finding by a court that the patient is no
20 longer subject to involuntary admission or judicial admission
21 and issues an order so finding and discharging the patient, and
22 upon the recommendation of the Disciplinary Board to the
23 Director that the licensee be allowed to resume his or her
24 practice.

25 (d) In enforcing this Section, the Department upon a
26 showing of a possible violation may compel an individual

1 licensed to practice under this Act, or who has applied for
2 licensure under this Act, to submit to a mental or physical
3 examination, or both, as required by and at the expense of the
4 Department. The Department may order the examining physician to
5 present testimony concerning the mental or physical
6 examination of the licensee or applicant. No information shall
7 be excluded by reason of any common law or statutory privilege
8 relating to communications between the licensee or applicant
9 and the examining physician. The examining physicians shall be
10 specifically designated by the Department. The individual to be
11 examined may have, at his or her own expense, another physician
12 of his or her choice present during all aspects of this
13 examination. Failure of an individual to submit to a mental or
14 physical examination, when directed, shall be grounds for
15 suspension of his or her license until the individual submits
16 to the examination if the Department finds, after notice and
17 hearing, that the refusal to submit to the examination was
18 without reasonable cause.

19 If the Department finds an individual unable to practice
20 because of the reasons set forth in this Section, the
21 Department may require that individual to submit to care,
22 counseling, or treatment by physicians approved or designated
23 by the Department, as a condition, term, or restriction for
24 continued, reinstated, or renewed licensure to practice; or, in
25 lieu of care, counseling, or treatment, the Department may file
26 a complaint to immediately suspend, revoke, or otherwise

1 discipline the license of the individual. An individual whose
2 license was granted, continued, reinstated, renewed,
3 disciplined, or supervised subject to such terms, conditions,
4 or restrictions, and who fails to comply with such terms,
5 conditions, or restrictions, shall be referred to the Director
6 for a determination as to whether the individual shall have his
7 or her license suspended immediately, pending a hearing by the
8 Department.

9 In instances in which the Director immediately suspends a
10 person's license under this Section, a hearing on that person's
11 license must be convened by the Department within 15 days after
12 the suspension and completed without appreciable delay. The
13 Department shall have the authority to review the subject
14 individual's record of treatment and counseling regarding the
15 impairment to the extent permitted by applicable federal
16 statutes and regulations safeguarding the confidentiality of
17 medical records.

18 An individual licensed under this Act and affected under
19 this Section shall be afforded an opportunity to demonstrate to
20 the Department that he or she can resume practice in compliance
21 with acceptable and prevailing standards under the provisions
22 of his or her license.

23 (Source: P.A. 90-61, eff. 12-30-97; 90-116, eff. 7-14-97;
24 90-655, eff. 7-30-98.)"; and

25 on page 37, by deleting lines 16 through 24; and

1 on page 38, by deleting lines 1 through 26; and

2 on page 39, by deleting lines 1 through 26; and

3 on page 40, by deleting lines 1 through 26; and

4 on page 41, by deleting lines 1 through 26; and

5 on page 42, by deleting lines 1 through 26; and

6 on page 43, by deleting lines 1 through 6.